

**REMARKS**

In response to the Official Action mailed April 25, 2006, Applicants submit the following remarks.

In the Official Action, claims 5-6 and 9-12 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as their invention. Specifically, the Examiner objects to the phrase "providing a first mask", which he contends renders the claim indefinite because it is unclear whether the "first mask" is referring to a mask in claim 1 or a different mask. And in claim 9, the limitation "the step of removing said first mask" lacks an antecedent basis.

Applicants assert that the term "first mask" refers to an additional mask as compared to the mask material that is recited in claim 1. In order to avoid confusion, Applicants have amended "first mask" to "additional mask". Applicants have also amended claim 9 so as to provide the correct antecedent basis. No new matter has been added to the application as a result of these amendments.

**CLAIM REJECTION - 35 U.S.C. §102**

Claims 1-2 and 4-6 are rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent No. 03251395 to *Yoshida*. In response to this rejection, Applicants have amended claim 1 of the present application to state that during the step of removing material from portions of the base, material is removed so as to form first recesses having a first size and second recesses having a second size such that the second size is different than the first size and a plurality of second recesses are associated with at least one first recess. Support for this recitation can be found at paragraph [0055] of the present application. No new matter has been added to the present application as a result of this amendment. As shown in

the figures of *Yoshida*, all of the recessed regions 6A formed in the metal plate have a similar size, in contrast to claim 1 of the present application. The purpose for the different size recesses included in claim 1 of the present application is that the various recesses will be used for different purposes as opposed to that shown in *Yoshida*. In *Yoshida*, the recessed regions 6A are shaped so as to fit with a projection region 7A of a different plate. There is no indication that the different recess regions 6A within the first plate have different purposes in contrast to the recesses of the present application. Thus, Applicants assert that claim 1 is in condition for allowance over *Yoshida* and should be deemed patentable, as well as claims 2 and 4-6 which depend from claim 1.

**CLAIM REJECTION - 35 U.S.C. §102 - YOSHIDA and OTSUKI**

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Yoshida* and further in view of U.S. Patent No. 5,633,529 to *Otsuki*. *Otsuki* is cited for teaching using ferric chloride to etch a metal layer to form a metal mold. Regardless, *Otsuki* does not disclose forming first recesses having different sizes from the second recesses wherein at least one first recess is associated with a plurality of second recesses. Thus, Applicants assert that claim 3 should also be deemed patentable based on its dependency from claim 1.

**CLAIM REJECTION - 35 U.S.C. §103(a) - YOSHIDA - DUFRESHNE**

Claims 7-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Yoshida* and further in view of U.S. Patent No. 6,537,459 to *Dufreshne, et al.*

*Dufreshne* is cited for teaching forming a photoresist masking layer by an electrophoretic deposition process. Regardless, claims 7 and 8 depend from claim 1 and thus include all the recitations included within that claim and *Dufreshne* does not satisfy the limitations of *Yoshida* in that *Dufreshne* also does not teach forming first recesses and second recesses

having different sizes wherein the second recesses are associated with a first recess.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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